



Public Market Advisory Commission Minutes – November 3, 2009

Minutes

Meeting Agenda

1. Call to Order

The meeting was called to order at 5:35 p.m.

2. Roll Call

Members Present: (3) S. Brines, P. Pollack, D. Black, D. Barkman

Members Absent: G. Service

Staff Present: (1) M. Notarianni

Guests: (0)

3. Approval of Agenda

4. Special Presentations

5. Public Commentary (Agenda Items Only, 3 minutes per speaker)

L. Vasquez: I'm here to talk about policy and the continuation of my complaints. I want to read to you an email sent by city market inspector Matt Demmon to a vendor who had an inquiry about baked goods, dated June 23, 2008: "As of yet I haven't inspected any bakery locations where they did not bake everything from scratch. If and when I do, I am sure this question will be answered."

Then I want to read what Demmon reports in the Kapnick Orchards inspection report dated July 25, 2008: "donuts and breads are from mix and baked, some products from frozen dough, shaped and fillings added, pies are frozen whole then baked, fudge from basic mix and then they add flavorings."

I find this to be distressing that your own inspector would give this report and then you tell me that Kapnick Orchards has been found to be in compliance with market rules and my complaint dismissed. Jayne Miller in a letter to me dated August 3rd said "This letter is to serve as a final communication in regards to this issue. We will not continue to respond to repeated inquiries unless specific new facts are presented, as this will be interpreted as interference with the operations of the Ann Arbor farmers market."

How can I be interfering with something that's not being done in the first place, in regards to the complaint I have raised? Furthermore I note on Kapnick's inspection report that

31 they claim to store apples at a controlled atmosphere storage room at Glee Orchards.  
32 There is no Glee Orchards listed as a licensed storage room on the MDOA website.  
33 Someone is lying here, I think.  
34 Every vendor signs an affidavit stating they are complying with market operating rules.  
35 I'm going to continue to raise this issue again and again until I get some kind of  
36 resolution. Be looking for a community group to start up in this area that will have legal  
37 standing to possibly bring suit against this market and the city for not applying its own  
38 rules.

39

40 G. Thompson: For many decades the market has operated under a structure of one set of  
41 rules for all vendors. Now we have a proposal to create specific detailed rules for one  
42 group of vendors. I urge you ask if this is in the best interest of the market. There is the  
43 basic issue of fairness. For example, the roast coffee vendor simply buys a product, heats  
44 it and sells it. Is roasting considered sufficient to make your product acceptable, while  
45 baking is not? What is the logic in that decision? Should we tell the coffee vendor he is  
46 no longer welcome, or that he can only sell brewed coffee and not whole beans? But now  
47 what do we do with ground coffee? Is it the act of grinding that makes it acceptable, or  
48 the combined acts of roasting and grinding? And if grinding is not adequate this  
49 eliminates vendors who sell ground grains. I'm not suggesting any of these vendors be  
50 asked to leave or be restricted, I am only illustrating the difficulties encountered in  
51 having detailed rules for all vendors. Instead, I think you should focus on the long term  
52 health of the market, with a balance between redundancy and diversity: diversity to  
53 maintain interest and to test new products and redundancy to provide selection among  
54 products, and to maintain product quality. In general the market is functioning well.  
55 This is in the best long term interest of the market and should remain.

56

## 57 6. Approval of Minutes

### 58 a. Meeting of October 6

## 59 7. Commission Business

### 60 a. Old business

#### 61 (1) Special Events

62 M. Notarianni: None on the calendar at the moment. Despite the weather the Halloween  
63 festival went well and many pumpkins were carved.

### 64 b. New business

#### 65 (1) New vendor discussion

66 M. Notarianni: A vendor who wants to sell mini pies, brownies and mini bread; one who  
67 wants to sell primarily fruit and cut herbs; a hot dog vendor; roasted corn on the cob;  
68 French pastries; all-purpose seasoning. Any thoughts?

69

70 P. Pollack: Do you have any feeling about any of these, Molly?

71

72 M. Notarianni: I like the sound of more fruit at the market; I'm not sure that we need  
73 more baked goods. Since we only have four spots for food cart vendors I'd prefer ones  
74 who offer more than one kind of food.

75

76 P. Pollack: Wednesday is a high priority day right now, so it seems more appropriate to  
77 focus on someone who is interested in both days.

78

79 M. Notarianni: The last vendor application I want to address is a bit more complicated.  
80 Solomon Jost who is a current vendor at the market selling primarily greens has a unique  
81 situation: the land he is farming on is on the site of Al-Mar Orchards a large organic  
82 apple orchard in Flushing. In return for helping at the orchards he gets his land rent free,  
83 so he is actively involved in both his own growing and in apple and cider production,  
84 though there is no official agreement between him and Al-Mar. He wants to re-apply  
85 under Al-Mar Orchards and bring their apples and cider and also bring his own produce.  
86 I'm curious for your input on this.

87

88 D. Barkman: It seems okay to me, as he's only been here a year he won't relinquish much  
89 seniority. He starts over as a worker for the new entity.

90

91 M. Notarianni: Do you think bringing in one more apples and cider vendor during the  
92 winter is going to be too much for demand? It's a third or a quarter of the vendors in the  
93 winter.

94

95 P. Pollack: If they're going to be here Wednesdays and Saturdays that would be  
96 beneficial, so I would not dismiss them too quickly.

97

98 D. Barkman: Since we've let him in once before, it doesn't seem like a problem as long  
99 as we understand the relationship there.

100

101 P. Pollack: There has to be some part of the application form that verifies the relationship  
102 between Jost and the Orchard, since the orchard is the name on the application. As long  
103 as that's legal and clear we can get past that hurdle.

104

105 8. Reports and Communications

106 a. Quarterly Financial report

107

108 M. Notarianni: The bulk of the revenue is going to come from vendor stall rental.  
109 Money-wise we are up slightly on annuals paying daily but lower percentage-wise as  
110 compared to last year. The annual yearly money comes in at the end of the fiscal year,  
111 which is in June so right now we are showing at zero right now, but that is normal.  
112 Dailies paying daily is up from last year 14%. Dailies paying yearly is also slightly up.  
113 Inspection is going to be up significantly because we didn't charge anyone for  
114 inspections in 2009. Investment income hasn't come in yet. Merchandise is also up  
115 because we hadn't sold much merchandise in previous years. The "operating transfer" is  
116 going to be the money we get from the DDA for parking. The "park use fee" is money  
117 for rentals, there should be money in there but they don't have the October report done  
118 yet. Parking fee from vendors is down a bit.

119

120 P. Pollack: The "park use fee" is for non-market activities? Weddings and festivals and  
121 other events?

122

123 M. Notarianni: Yes, and the Artisan Market.

124

125 P. Pollack: It might be helpful to organize the list so that the Farmers market specific  
126 income and events were all together, and then the other incomes and expenses were  
127 separated.

128

129 S. Brines: So for clarification, this park use fee includes everything else? The artisan  
130 market, every Sunday from April to December is renting this?

131

132 M. Notarianni: It does include that. The money isn't in there yet on this report, but that's  
133 the section it will go in a month from now.

134

135 P Pollack: In the activity leading up to the increase in fee for vendors we discussed the  
136 need for clarity between the expenses for farmers market activities vs. maintenance and  
137 staff for non market events.

138

139 M. Notarianni: As far as expenses go, that first line is going to be the money that was  
140 coming from Jeff and now is coming from Colin and the rest is operating expenses, and  
141 that is down 10% from last year.

142

143 b. Market Manager Report

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145 M. Notarianni: No vendors were inspected this month. The promotional and educational  
146 events included a sauerkraut making workshop, Halloween festival, and this is the final  
147 week of a three week long educational apple history museum. I'm in the process of

148 planning a festival called Kindlefest with other businesses in the Kerrytown  
149 neighborhood. It will take place in the market space though it has no affiliation with the  
150 farmers market; we're inviting vendors to come and sell their items. It will take place  
151 December 4<sup>th</sup> during the city's Midnight Madness event.

152

153 P. Pollack: The Apple History project could be an opening to a whole host of other  
154 history projects about types of food or growers in Washtenaw County.

155

156 D. Black: Is there any way to link up the Washtenaw County Historical Society with a  
157 project like this?

158

159 M. Notarianni: Definitely. It could be a great idea for this time of year, because we have  
160 the extra space.

161

162 S. Brines: Perhaps the outreach subcommittee or the commission could put the call out  
163 for local history buffs to submit ideas.

164

165 M. Notarianni: The MI Farmers Market Association did a rapid market assessment on  
166 Wednesday Oct 7 focusing on EBT usage and they are currently writing up a report.  
167 Vendors are still taking Project Fresh coupons, EBT usage is going well. We are  
168 beginning to work with various U of M students on volunteering and special events and  
169 eventually trying to create a Farmers Market specific token that customers could purchase  
170 with credit cards in the office. Exciting news: I had a meeting with some folks from the  
171 library and they've agreed to host our Oral History project on their website and help clean  
172 up and edit the raw recordings. The last bit of information is that Colin Smith will now be  
173 my supervisor as opposed to Jeff Straw.

174

175 b. Related Boards, Commissions, Committees, and Task Forces

176 P. Pollack: The outreach subcommittee met Wednesday of last week, is there a report  
177 from that?

178 S. Brines: We brainstormed about ways to attract and organize volunteers in a structure.  
179 It's still in an exploratory phase.

180 P. Pollack: The policy and procedure subcommittee met as well and we have a couple of  
181 tasks that we have assigned to ourselves. One is to look through the rules and application  
182 and inspection forms to assure consistency in the language. A larger task is to take all of  
183 the enabling legislation and commission bylaws to make sure all of those are in line with  
184 each other as well. The other was going through the rules to see where we may need to  
185 clarify, expand or restructure the language. Another aspect is making sure that there's a

186 piece of information that goes along with the application form that describes the key  
187 points to be looking for as one fills out the application, which will be key points of the  
188 inspection. The long term goal of this subcommittee would be to hold a meeting mid-  
189 winter with the vendors and the public to be able to explore any suggestions we would  
190 eventually bring.

191 c. Items from Commissioners

192 d. Transmittals/communications received

193 9. Public Commentary – General (3 minutes per speaker)

194 L. Vasquez: First I want to say I would support Al-Mar Orchards' application. I  
195 think Ann Arbor deserves to have more organic vendors, especially to fill the market in  
196 the winter. I am curious whether you have a timeline for getting a new set of rules in  
197 place, and I want to warn the commission that Jayne Miller may be setting this  
198 commission on a fool's errand to come up with rules that will not be applied or enforced.  
199 When I served on the commission prior to this one we did something similar only to have  
200 the commission tossed aside when we crossed Jayne Miller. I think yes, you do want to  
201 maintain the integrity of the producers' only market. if you do want to compare this  
202 market's rules with other markets there are dozens of markets that use the words "from  
203 scratch", "no commercial goods", "no mixes", etc. If Kapnick's is continued to allow to  
204 sell goods not of his own making, how will other vendors regard the rules? Also,  
205 regarding my complaints about Island gardens and J&T Gracia, I was informed by the  
206 MDOA that they are not licensed growers; they are only licensed nursery plant markets,  
207 which expired on October 31 of this year. I hope that the market management will look  
208 into making sure that all vendors have proper licensure, so that they are not buying and  
209 selling nursery plants from another vendor at the market and violating the producer only  
210 rule.

211 G. Thompson: I'd also like to put in a plug for Al-Mar Orchards. Growing  
212 organic apples is a hard thing to do east of the Mississippi. I enjoy their cider as it  
213 reminds me of the cider I remember as a child, because they grow a greater variety of  
214 apples. They are a certified organic grower, and there may be many vendors who use  
215 organic practices but are not certified. I believe if you advertise that you are organic you  
216 should be certified. Michigan law states this. I'd like to point out there was one vendor a  
217 year or so ago who advertised certified organic and was not. One more point, Al-Mar  
218 also makes a great hard cider, though that may be difficult to get around with market  
219 regulations.  
220

221 10. Adjournment

222 The meeting was adjourned at 6:36 pm.